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**Introduced by Senator Escutia**

February 18, 2003

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An act to amend Sections 70311 and 70323 of the Government Code, relating to court facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 256, as introduced, Escutia. Court facilities: construction and ownership.

Existing law requires a county, before constructing or remodeling court facilities, to solicit comments from the court's judges. Existing law also provides for the transfer of responsibility for court facilities from a county to the state to be evidenced by one of several specified changes in title to the building containing those facilities.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 70311 of the Government Code is  
2 amended to read:

3 70311. (a) Commencing July 1, 1997, and each year  
4 thereafter, no county or city and county is responsible to provide  
5 funding for "court operations," as defined in Section 77003 and  
6 Rule 810 of the California Rules of Court, as it read on July 1,  
7 1996.

8 (b) Except as provided in Section 70312, commencing as of  
9 July 1, 1996, and each year thereafter, each county or city and

1 county shall be responsible for providing necessary and suitable  
2 facilities for judicial and court support positions created prior to  
3 July 1, 1996. In determining whether facilities are necessary and  
4 suitable, the reasonable needs of the court and the fiscal condition  
5 of the county or city and county shall be taken into consideration.

6 (c) If a county or city and county fails to provide necessary and  
7 suitable facilities as described in subdivision (b), the court shall  
8 give notice of a specific deficiency. If the county or city and county  
9 then fails to provide necessary and suitable facilities pursuant to  
10 this section, the court may direct the appropriate officers of the  
11 county or city and county to provide the necessary and suitable  
12 facilities. The expenses incurred, certified by the judges to be  
13 correct, are a charge against the county or city and county treasury  
14 and shall be paid out of the general fund.

15 (d) Prior to the construction of new court facilities or the  
16 alteration, remodeling, or relocation of existing court facilities, a  
17 county or city and county shall solicit the review and comment of  
18 the judges of ~~the that court-affected~~ regarding the adequacy and  
19 standard of design, and that review and comment ~~shall~~ *may* not be  
20 disregarded without reasonable grounds.

21 (e) Any reference in the statutes enacted prior to January 1,  
22 2003, that refers to Section 68073 shall be deemed to refer to this  
23 section.

24 SEC. 2. Section 70323 of the Government Code is amended  
25 to read:

26 70323. Subject to the provisions of Section 70325 concerning  
27 a building subject to a bonded indebtedness, and Section 70329  
28 concerning historic buildings, transfer of responsibility for court  
29 facilities shall be evidenced by the following change in title to the  
30 building containing those facilities:

31 (a) If the building is currently owned by the county and used  
32 solely for court functions, the building shall be transferred to the  
33 state which shall hold title to and use of the entire building. This  
34 subdivision may not apply to buildings that are deficient as  
35 provided in subdivision (b) of Section 70326. Unless bonded  
36 indebtedness, including the legal obligation to pay the  
37 indebtedness, is transferred to the state, this subdivision does not  
38 apply ~~so long as~~ *while* a court facility is subject to bonded  
39 indebtedness. Title shall transfer to the state when the bonded  
40 indebtedness is paid. For the purposes of this subdivision, bonded



1 indebtedness includes only the bonded indebtedness existing at the  
2 time of transfer of responsibility, and any refunding of the existing  
3 bonded indebtedness issued to achieve monetary savings to the  
4 county. Any refunding under this subdivision does not extend the  
5 original maturity date of the bonded indebtedness and may not  
6 increase the original principal amount of the indebtedness, except  
7 to pay costs relating to the refunding of the bonded indebtedness.

8 (b) If the building is currently owned by the county and used  
9 for court and other county functions, title to the building may be  
10 held in one of three ways, each of which shall be considered a  
11 transfer of responsibility for the court facilities for purposes of  
12 Section 70312:

13 (1) The county may continue to hold title to the building.

14 (2) The county may transfer title to the building to the state.

15 (3) The county may transfer title to the building to joint  
16 ownership between the county and the state.

17 (c) If the building is currently owned by a third party and leased  
18 by the county, any of the following apply:

19 (1) If the lessor consents to transfer of the lease to the state  
20 either without modification of the lease or on ~~on-modification~~  
21 *modified* terms acceptable to the county and the Judicial Council,  
22 the county shall transfer its rights and responsibilities under the  
23 lease to the state. The court shall then occupy the building under  
24 the terms of the lease.

25 (2) If the lessor does not consent to the transfer of the lease to  
26 the state or the lessor's new terms for transfer of the lease to the  
27 state are unacceptable to either the county or the Judicial Council,  
28 the county shall continue to provide facilities to the court under the  
29 terms of the lease and the amount of the lease payments shall be  
30 excluded from the county facilities payment provided by Section  
31 70359. Upon expiration of the lease, the amount of the lease  
32 payments shall then be included in the county facilities payment  
33 in the same manner provided by Section 70359, as if the lease were  
34 transferred to the state.

35 (3) If the lessor does not consent to the transfer of the lease to  
36 the state or the lessor's new terms for transfer of the lease to the  
37 state are unacceptable to either the county or the Judicial Council,  
38 the county and the Judicial Council may agree that the provisions  
39 of paragraph (2) of subdivision (c) ~~shall~~ *do* not apply, the court  
40 shall find alternative facilities, and the amount of the lease

1 payments due under the lease shall be included in the county  
2 facilities payment as provided by Section 70359. The agreement  
3 under this subdivision may include an agreement for a different  
4 lease payment amount to be included in the county facilities  
5 payment.

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